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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,070	07/06/2001	Martha L. Lyons	10013274-1	5846

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HEWLETT-PACKARD COMPANY  
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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/900,070

Applicant(s)

LYONS ET AL.

Examiner

Kambiz Zand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

AD

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claim 18 has been amended.
4. Claims 1-19 are pending.

### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

6. **Claims 1-8** are objected to because of the following informalities: typo error.  
Examiner suggests the following corrections:

#### **Claim 1:**

The phrase "service 5 provider" not defined. Appropriate corrections are requested.

7. Claims 2-8 objected because of their dependency on the objected claim 1.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. **Claims 1-8 and 11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 2, 4-6 and 11, the “for” phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the “for” phrases.

For example the phrase “searching said database” after the phrase “for” not a positive statement and the limitation do not clear if the act of searching is being processed or not. Examiner considers the limitations after the phrase “for” as only defining the intended use.

10. Claims 3, 7-8 are rejected based on their dependency on the rejected claims.

***Claim Rejections - 35 USC § 101***

11. **Claims 1-19** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a) **claims 1-8** are method claims where the limitations set forth in the claims only disclose non-tangible components that can be viewed as only software or non-data processing components. No act of processing of data, transmission of data, etc.. in a computing device is present in the claim language or it is not clear. Further more in the light of 112 rejection above the elements not necessarily are connected to one another or processing anything. In the broadest view it is only representing a clearing house, a database, a clearing house monitor, and a data structure. As an example one can present all that component on a piece of paper.

b) **claims 9-18** are method claims where the limitations set forth in the claims only disclose non-tangible components that can be viewed as only software or non-data processing components. No act of processing of data, transmission of data, etc.. in a computing device is present in the claim language or it is not clear.

c) **claims 18-19** are system or an apparatus claims where the limitations set forth in the claims only disclose non-tangible components that can be viewed as only software or non-data processing components. Examiner suggests inclusion of "computer readable medium", or hardware component in harmony with the specification into claim language.

### ***Claim Rejections - 35 USC § 102***

**12. Claims 1, 3-4, 7-12 and 15-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore (6,363,149 B1).

**As per claim 1** Candelore (6,363,149 B1) teach a clearinghouse for providing verified entitlement information to at least one entitlement service provider, said clearinghouse comprising: a database for receiving said entitlement information from an entitlement enterprise; a secure access point for authorized ones of said at least one entitlement service provider to interactively access said clearinghouse; a clearinghouse monitor for controlling access to said clearinghouse from said secure access point responsive to access information provided by said entitlement enterprise; and a data structure for searching said database for entitlement information responsive to data provided by said entitlement service provider (see abstract; fig.1-11 and associated text; col.6, lines 18-51).

**As per claim 3** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 further comprising: an authorization communicated to said entitlement service provider responsive to said data structure finding said entitlement information and revised access information (see col.9, lines 8-34; fig.6b and associated text).

**As per claim 4** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 further comprising: an automated update resource for initiating communication with said entitlement enterprise to obtain revised entitlement information (see fig.7b and associated text).

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**As per claim 7** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 wherein said clearinghouse monitor compiles lists of entitlement information corresponding to a user responsive to a request from said user (see fig.6a-b and 8a-c and associated text).

**As per claim 8** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 wherein said clearinghouse monitor compiles lists of access information corresponding to ones of said at least one entitlement service provider responsive to a request from said ones of said at least one entitlement service provider (see fig.6a-b and 8-a-c and associated text).

**As per claim 9** Candelore (6,363,149 B1) teach a method for verifying entitlement, comprising the steps of: assembling a list of entitlement information from entitlement parties; authorizing access to said list of entitlement information based on corresponding access information; providing entitlement service suppliers with authorization secure access to said list; and searching said list for entitlement responsive to identification data provided by said entitlement service suppliers provider (see abstract; fig.1-11 and associated text; col.6, lines 18-51).

**As per claim 10** Candelore (6,363,149 B1) teach the method of claim 9 further comprising the step of: issuing a code to said entitlement service suppliers indicative of results of said searching step (see fig.8b, block 850).

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**As per claim 11** Candelore (6,363,149 B1) teach the method of claim 9 further comprising the step of: verifying entitlement for said entitlement service suppliers responsive to finding said entitlement in said searching step (see fig.6a block signature; fig.6a-b and associated text).

**As per claim 12** Candelore (6,363,149 B1) teach the method of claim 9 wherein said assembling step comprises the steps of: accessing said list of entitlement information by said entitlement parties with authorization; and transmitting said entitlement information from said entitlement parties to said list of entitlement information (see 6a-b and 8a-c and associated text).

**As per claim 14** Candelore (6,363,149 B1) teach the method of claim 9 further comprising the step of: updating said list of entitlement information responsive to entitlement use information transmitted by said entitlement service suppliers with authorization (see fig.6a-b and 8a-c and associated text).

**As per claim 15** Candelore (6,363,149 B1) teach the method of claim 9 further comprising the steps of: automatically establishing a communication connection between said list of entitlement information and said entitlement parties with authorization; obtaining revised entitlement information from said entitlement parties; and updating said list of entitlement information with said revised entitlement information (as applied to claim 1 and 13 above).



**As per claim 16** Candelore (6,363,149 B1) teach the method of claim 9 further comprising the steps of: compiling a list of entitlement information corresponding to a user; and presenting said list of entitlement information to said user (see fig.9c-d, 10 and associated text).

**As per claim 17** Candelore (6,363,149 B1) teach the method of claim 9 further comprising the steps of: compiling a list of access information corresponding to one of said entitlement service suppliers; and presenting said list of access information to said one of said entitlement service suppliers (see fig.6a-b block access requirement and associated text).

**As per claim 18** Candelore (6,363,149 B1) teach an entitlement authority for verifying entitlement information comprising: means for receiving said entitlement information and access information from an entitlement party; means for storing said entitlement information and said access information; means for securing an interface to said entitlement authority; means for authorizing access to said entitlement authority responsive to said access information; means for receiving data from an entitlement service provider for verifying entitlement; code for searching said stored entitlement information using said data; means for providing results of said searching; and means for updating said stored entitlement information provider (see abstract; fig.1-11 and

associated text; col.6, lines 18-51).

***Claim Rejections - 35 USC § 103***

**13. Claims 5, 6, 13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (6,363,149 B1) in view of Akins et al (6,744,892 B2).

**As per claim 2** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 as applied above but do not disclose a certification engine for providing certified results from said data structure search. However Akins et al (6,744,892 B2) disclose a certification engine for providing certified results from said data structure search (see fig.21,23,25 and 29 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Akins et al.'s certification method in Candelore's interactive content delivery system in order to provide dynamic access and authentication for services renders.

**14. Claims 5, 6, 13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (6,363,149 B1) in view of Katz (6,570,967).

**As per claim 5** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 as applied above but do not disclose wherein said secure access point includes a

controlled access computer terminal for manually entering entitlement information provided by said entitlement enterprise. However Katz (6,570,967) disclose wherein said secure access point includes a controlled access computer terminal for manually entering entitlement information provided by said entitlement enterprise (see col.13, lines 33-43). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's manual entering terminal in Candelore's interactive ECM system in order to provide digital control signal, audio control signal.

**As per claim 6** Candelore (6,363,149 B1) teach the clearinghouse of claim 1 as applied above but do not disclose wherein said secure access point includes an interactive voice response (IVR) unit for facilitating verbal access to said clearinghouse. However Katz (6,570,967) discloses wherein said secure access point includes an interactive voice response (IVR) unit for facilitating verbal access to said clearinghouse (see abstract; fig.1-3 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's voice interface in Candelore's interactive ECM system in order to provide digital control signal, audio control signal.

**As per claim 13** Candelore (6,363,149 B1) teach the method of claim 9 as applied above but do not disclose wherein said assembling step comprises the steps of: receiving entitlement information from said entitlement parties; and manually entering said entitlement information onto said list of entitlement information. However Katz

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(6,570,967) disclose wherein said assembling step comprises the steps of: receiving entitlement information from said entitlement parties; and manually entering said entitlement information onto said list of entitlement information (see col.13, lines 33-43). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's manual entering terminal in Candelore's interactive ECM system in order to provide digital control signal, audio control signal.

**As per claim 19** Candelore (6,363,149 B1) teach the entitlement authority of claim 18 as applied above but do not disclose wherein said means for receiving steps and said means for providing step include means for providing voice interaction with said entitlement authority. However Katz (6,570,967) disclose wherein said means for receiving steps and said means for providing step include means for providing voice interaction with said entitlement authority (see fig.1-3 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's voice interface in Candelore's interactive ECM system in order to provide digital control signal, audio control signal.

### **Conclusion**

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

06/16/2005

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